Exhibit

Vanleeuwen's Impeachment of District Attorney Investigators

& confirming Complete Innocence.

- As they are NOT legitimate Victims:
  Jane Doe ER is Elisseth Esmirelda Ramirez (SSN:XXX-XX-6167)
  Jane Doe MR is Marjorie Linette
  Jane Doe BP is Brittney Pina

DEFENDANT : Objection. Asked and answered.

THE COURT: Sustained.

MS. BARAJAS: Nothing further.

THE COURT: Cross?

CROSS-EXAMINATION

BY DEFENDANT :

Q. Mr. Rivas?

All right. Mr. Santana, how long did you spend in the CA unit?

A. Over eleven years.

Q. With the Riverside County District Attorney's Office?

A. In the child abduction unit.

Q. For the Riverside County District Attorney?

A. Yes, sir.

Q. Okay. And you had indicated in your direct examination that you were familiar with the Family Code Section surrounding your office's duties and I assume that includes parentage, right?

A. It covers part of it.

Q. Okay. So you say during that time that you must have become very familiar with the policy and procedures of, of course, the laws surrounding your office's position, correct?

A. Yes.

Q. Now, when someone contacts your office, you described how that process works and that I had contacted your office. And previously you had stated that I, in fact, contacted your office with intent to enforce an order. Obviously today you've made a correction to that. Um, you said that was in October

2019, correct?

A. Yes.

Q. Now, when contact was made, you began to look into the parties involved and court record and even sat down with the parties?

A. Eventually, yes.

Q. Okay. And in doing so you indicated you noticed a restraining order; is that correct?

A. There was two restraining orders. Which one are you referring to?

Q. Well, there was one -- well, okay. So you recognized a form shown to you previously that was People's 2.

May I please see the exhibit for a refresher?

MS. BARAJAS: I think you mean People's 1.

DEFENDANT : July 12 CPO.

Mr. Rivas, um, to the witness.

THE WITNESS: Yes, sir.

Q. BY DEFENDANT : Now, Mr. Santana, you do recognize this form, correct?

A. Yes.

Q. Okay. To clarify I believe it would be item number two there. What is the name listed under as protected party on this order?

A. Item number two?

Q. Listed as the protected party.

MS. BARAJAS: It's typically number four, I believe.

THE WITNESS: Person restrained in that box or which.

Q. BY DEFENDANT : Do you see Ms. (Jane Doe E.R.'s)

name on that document towards the right upper corner?

A. Item number four. I see her name.

Q. And it shows that she's listed as a protected party, correct?

A. Correct.

Q. Okay. To clarify, are the names (Jane Doe M.R.), (Jane Doe B.P.), (Jane Doe E.R.) or AKA (Jane Doe K.R.), written there next to her name?

A. No.

Q. Okay. Now, if you can please look down to the bottom left, box 16. Can you tell us if box 16 is checked and specifically point B as well?

A. Yes.

Q. And can you read 16 aloud to us with point B following, Mr. Santana.

A. May have peaceful contact with the protected persons named above as an exception to no contact or -- I can't read that word because of the file stamp -- provision in item 12, 13, or 14 of this order only for the safe exchange of children or court-ordered visitation stated in -- and then it gives box A or B. Box B is checked -- any family juvenile or probate court order issued after the date of this order is signed.

Q. Thank you, Mr. Santana.

Mr. Rivas?

Mr. Santana, isn't it true that when you also reviewed the court records, you also saw a restraining order listing me, Robert Michael Vanleeuwen, as the protected and restrained party as (Jane Doe E.R.)?

A. In the family law case, yes.

Q. Restraint was going both ways at the time that you took this case on?

A. Yes.

Q. Okay. In fact, during your review of the court record you had located a number of other pending cases involving me and (Jane Doe E.R.), correct?

A. Yes.

Q. Did this by any chance to your knowledge include a federal civil rights action?

A. Yes.

Q. Okay. Now, in your report or one of the affidavits here -- yeah -- you mentioned, did that action show Mr. Vaughan here as a defendant as well?

MS. BARAJAS: Objection.

THE COURT: Sustained.

Q. BY DEFENDANT : When you saw these cases filed in all of these cases, you know I filed using both association, Vanleeuwen and Tafoya, correct?

A. I saw Vanleeuwen and then when I spoke to you, you showed me that you put Tafoya as an AKA.

Q. Okay. So you did come to the knowledge that both names were on all of the dockets, correct?

A. Later on.

Q. Okay. Okay. So after reviewing the records, you had contacted Mr. Vaughan in order to contact (Jane Doe E.R.), correct?

A. Yes.

Q. And he did kind of a warm transfer between you?

A. Made a phone call.

Q. Okay. At that time you called a meeting with Ms. (Jane Doe E.R.) at your office?

A. Yes.

Q. You had never met (Jane Doe E.R.) personally prior to that day, correct?

A. No.

Q. Now, that was an interview conducted on October 16th, correct?

A. Yes.

Q. Okay. Now, during that interview you had indicated -- you asked her a question regarding the process server. Did Ms. (Jane Doe E.R.) indicate she recognized the name Jazmine Mendiola?

A. She recognized the name Jazmine, but not the last name Mendiola.

Q. Okay. And did she recognize that as any particular person?

A. A friend of yours.

Q. Okay. Did she indicate that or show you any messages on social media that she had received I was requesting visitation, specifically visitation on my court-ordered weekend?

A. No, not at that time.

Q. Okay. But eventually?

A. Eventually.

Q. Okay. So there was obviously -- eventually you come to find out there was obviously attempted communications in

compliance with the restraint requesting that the visitation order to be --

A. The restraining order that you showed me was for visitation of your children, and --

Q. Mr. Santana --

(Cross-talk.)

A. -- none of those girls --

Q. I'm not interested in the opinion. I'm interested in the facts.

A. That fact --

Q. I had a visitation order, correct?

A. Yes.

Q. Whether you believe it's right or wrong, there was a visitation order, correct?

A. You did obtain one.

Q. Okay. So with that visitation order, I had a peaceful contact allotment to Ms. (Jane Doe E.R.) in regards to picking up the children. And so eventually you found that message was sent requesting that visitation to occur, correct?

A. But --

(Cross-talk.)

Q. It's not a --

A. I can't answer that yes or no. I have to give a simple narrative. And that narrative is that based on my investigation and knowledge of the case, that you basically obtained that --

Q. Mr. Santana --

A. -- court order.

Q. Again, that goes into an opinion. I'm asking if there

was an action to request a visitation from the other party. That is a simple yes or no. Did I request from her access to the child with her permission. She showed you a message of me doing so. Yes or no?

A. Yes.

Q. Okay. I mean, you will have a chance to go into a narrative soon, I promise. At least we shall see.

Mr. Santana, you had asked me to meet with you was it the following day?

A. Yes, sir.

Q. Okay. So October 17th, 2019, was the day me and you sat down to meet. Had you ever met me personally before that date?

A. No.

Q. Okay. And then in that meeting, going back to that meeting, did I hand you any paperwork regarding the situation?

A. You gave me some court documents that I already had that I had pulled from the court file, yes.

Q. Okay. Do you remember me handing you any paperwork that showed her denials to the messages that I sent about visitation?

A. No.

Q. Okay. Now, both of those meetings between Ms. (Jane Doe E.R.) and you and you and I were recorded, correct?

A. Yes.

Q. Again, you corrected yourself this morning about the enforcement of the order, but do you see me calling your office and attending a meeting you had requested as an overt act to

enforce an order in and of itself?

MS. BARAJAS: Objection. Calls for opinion.

THE COURT: Overruled. You can answer.

THE WITNESS: I think you were seeking an order trying to figure out how you can get this enforced.

Q. BY DEFENDANT : Okay. Now, remembering back to the interview, isn't it true that I indicated numerous times during the interview that I was merely inquiring about policy and procedure, that I did not intend for a case to be opened in your office?

A. You didn't want a criminal case opened in our office.

Q. Did I ever indicate to you that I was relying on the instruction of a family law attorney at the time as well?

MS. BARAJAS: Objection. Hearsay.

THE COURT: Overruled.

DEFENDANT : Goes to I whether he said that or not.

THE WITNESS: I believe you said you had counsel.

Q. BY DEFENDANT : Okay. Mr. Santana, I have a certified transcript here of our meeting. Ms. Barajas is in possession of this transcript two weeks ago, I believe. I'd like you to specifically review page 9 and 10 of that transcript. I'd like to refresh on the questions with you real quick.

THE COURT: He didn't indicate he didn't remember anything yet.

DEFENDANT : Well --

THE COURT: Before you can refresh the witness needs to

say I don't remember.

DEFENDANT : Okay. Well, he's -- I'd like to impeach him on that. Can I read it in the record?

THE COURT: You can ask him if these things were said. If he says I don't recall, then you can show him the transcript.

DEFENDANT : Okay. In the area that I'm indicating, Mr. Santana, was toward the beginning of our interview. Do you recall these items being said to you that I quote, at least a shortened piece of it?

MS. BARAJAS: Objection. Hearsay.

THE COURT: Overruled. Go ahead.

Q. BY DEFENDANT : This is from me. I wasn't completely informed about the way this meeting occurs because I wasn't even given a questionnaire or talked to. I just -- you responded. Santana, no problem. No problem. You can start --

THE COURT: Slow down. Slow down. Slow down.

Q. BY DEFENDANT : You can start filling that out right now. Tafoya, one, what had occurred I did not know what the next steps were. I contacted the D.A.'s office requesting to understand what the next steps were. And then you called me back and said, hey, come down and meet. I've not received any other communication. Santana, that's fine. Tafoya, any other procedural, you know. Santana, that's fine. I just need you to fill that out. You can do that while we're speaking here. Okay. And Tafoya, so am I actually by doing this filing a complaint -- almost there -- Santana, it can be. I can decide to go criminal on the matter against her, okay, if she doesn't want to cooperate. Tafoya, well, again, like I said, my

original intention was to understand what the next steps were because these were all pending cases.

Do you recall that part of our meeting?

A. Yes.

Q. So essentially I had indicated to you that I had no idea what kind of meeting this was or why you were asking me for a DNA sample and to fill out a questionnaire, correct?

A. Correct.

Q. I had indicated I had contacted the district attorney's office to seek understanding, not enforcement, correct?

A. Correct.

Q. Now, I had asked if me filling out the questionnaire would initiate a complaint, correct?

A. You did.

Q. All right. And, in fact, I never filled out that document, submitted a questionnaire, or even submitted a DNA at that meeting, correct?

A. That is correct.

Q. When you indicated you had the power to essentially pursue indictment or criminal action on (Jane Doe E.R.), did I not confirm disinterest, that my original intention was coming to understand, not use your office for enforcement?

A. I never said it was going to go to indictment against victim (Jane Doe E.R.).

Q. Um --

A. I said it can be.

Q. Granted Ms. (Jane Doe E.R.) was just an alleged victim, but if she was doing something wrong, would you have filed

against her?

A. If there was -- if she had violated the law, of course. That's -- that was my job.

Q. Mr. Santana, with regards to family court, isn't it true that the district attorney's office doesn't necessarily interfere with the details of the cases, correct?

MS. BARAJAS: Objection. Relevance.

THE COURT: I'm not sure I understand the question, Mr. Tafoya. You can rephrase.

DEFENDANT : One moment, please.

THE COURT: Sure.

DEFENDANT : I have an item I'd like to enter as an exhibit to show --

THE COURT: Has it been marked?

DEFENDANT : It has not.

MS. BARAJAS: I would like to see it first, please.

THE COURT: Okay.

MS. BARAJAS: It's the description of the law. I'm going to object. That would be something that the Court would provide for the jury.

DEFENDANT : Mr. Santana specifically mentioned family law codes in his direct that he operated under -- this is one of the codes I'm going to ask him to read it out and then continue the line of questioning with -- well --

THE COURT: If you want to go over the law with him, that's fine. I don't think there's any need to mark it as an exhibit.

DEFENDANT TAFOYA: Okay.

THE COURT: Just ask him questions about it. Do you want him to look at it?

DEFENDANT : I want him to read it off to recognize it and read it off as the code that he had previously mentioned.

THE COURT: Okay. Go ahead.

THE WITNESS: Your Honor, I can't read that.

THE COURT: Me neither.

THE WITNESS: I'm sorry.

Q. BY DEFENDANT : Can we zoom in on that, please. Can we get one tab on the brightness -- unless you can read that, Investigator Santana?

A. I can read it.

Q. Okay. That's Family Code 3130, which you previously indicated that your office had operated under last week. Now, you said you were familiar with the law?

Mr. Santana, can you please -- do you recognize this statute?

A. Family Code 3130, yes.

Q. Okay. Can you please read that code aloud for me, please.

A. If a petition to determine custody of a child has been filed in a court of competent jurisdiction or if a temporary order pending determination of custody has been entered in accordance with Chapter 3 commencing with Section 3060 and when the whereabouts of the party in possession of the child are not known, or there is reason to believe that the party may not appear in the proceedings who were ordered to appear personally

with the child pursuant -- through Section 3430, the district attorney shall take all actions necessary to locate the party and the child and to procure compliance with the court order to appear with the child for purposes of adjudication of custody. The petition to determine custody may be filed by -- with the district attorney.

Q. May be filed by the district attorney. I believe. All right. Thank you.

All right. So essentially the job's enforcing orders and assuring appearances, correct?

A. Yes.

Q. Not necessarily arguing who deserves custody, correct?

A. That's true.

Q. Okay. So if someone says you approach somebody and they say, hey, I wasn't served right or at all, you would immediately schedule a court date to ensure all parties appeared, correct?

A. Yes, but --

Q. Okay.

A. But that would mean that both parties were the parents of the child.

Q. Again, Mr. Santana, we're going to go over that in a little bit.

A. Okay.

Q. It's another one of the laws you said you recognized, and so we'll go over that, don't worry. So again, you would schedule that court date and assure all parties appear, correct?

A. Yes.

Q. So that's kind of the purpose of the office then to safeguard the process and ensure that things are done right, correct?

A. Yes.

Q. Okay. So going to your office is, in fact, the appropriate method to seek out guidance and participation of parties in family matters; would you say that to be the truth?

A. No, because we don't give legal advice.

Q. But you do aid when somebody doesn't follow an order or doesn't appear, correct?

A. When ordered by the Court.

Q. Okay. So while the office doesn't have a business necessarily arguing in a family action, if Ms. (Jane Doe E.R.) believed or indicated that I wasn't the father, your office would obviously instruct her to participate to respond to appear; is that correct?

A. Yes.

Q. Okay. So at the end of the day if that appearance occurred, and I still won on the merits of that case, the district attorney's office would then enforce the order, correct, absent any other possible appropriate service issue or reasonable argument, correct?

A. If we were ordered by the Court.

Q. Okay. So this is where my confusion ends, Mr. -- you know, or really starts. Mr. Santana, why is it then you were trying so hard to entrap me into a DNA swab and filing a complaint for a questionnaire when I came to meet with you?

A. Because I believed wholeheartedly you were not the

biological father --

Q. Uh-huh.

A. -- of (Jane Doe M.R.) and I did believe that you were continuing to harass, annoy, and stalk victim (Jane Doe E.R.).

Q. Uh-huh. Wow. Okay. And that's an excellent opinion there. So not surprising, would you agree with me that the district attorney's office often routinely operates outside the law?

A. No.

Q. Okay. All right. Now, Mr. Santana -- now, the district attorney's office in this case filed the appropriate request for hearing and assured appearance of all the parties on October 22nd of 2019. Isn't it true that while filing your office also suggested revocation and dismissal of the action in its entirety on the basis that the district attorney's office did not recognize me as a known father? Do you remember that?

A. Is that the document filed by at that time deputy district attorney Lisa Loyola?

Q. That is, yes.

A. Yes.

Q. Okay. And you served that document on all of the parties, correct?

A. Yes.

Q. Okay. Of course after October 22, it must have made you feel pretty bad, did it not, when the Court continued issuing orders and ordering both parties to mediation?

A. No. It didn't make me feel bad at all, sir.

Q. Okay. So would you describe your involvement as

personal after that point?

A. No.

Q. Okay. So you didn't become personally involved in opposing my claim to parentage after that point?

A. No.

Q. You see, that's interesting, Mr. Santana. Is it true that you attended court with (Jane Doe E.R.)?

A. Yes.

Q. Okay. You, in fact, drove her to court in your own private vehicle?

A. That is wrong.

Q. You drove her to court?

A. I drove her to court.

Q. You used a district attorney vehicle?

A. I used a vehicle issued to me, yes.

Q. Okay. At any time during the communications with her, did you ever coach her on what to say in court?

A. I only told her to be strong and brave.

Q. And you even communicated with the clerk of the court while you were in the courtroom; is that correct?

A. I spoke to all of the clerks. I was friendly with all of them.

Q. And would it be true if the clerks had informed that you were telling them that Ms. (Jane Doe E.R.) was in fear that I wasn't the father?

A. No. I don't believe I've said that.

Q. Okay. Not all courtrooms are D.A. friendly, Mr. Santana.

On December 9th you were with Ms. (Jane Doe E.R.) as she was served by a process server again in that courthouse on camera, correct?

A. I don't know if there was a camera there, but I know a gentleman served her or ran up to her.

Q. Okay. Did you ever try to impede that service?

A. I didn't impede it. I didn't know who the gentleman was. He just ran up to her.

Q. Okay. Okay.

Can I get my exhibit folder, please. Thank you. My apologies. I'm getting back into the groove. Right on top?

MS. BARAJAS: I object to the constant narrative.

THE COURT: Sustained. Just ask questions.

DEFENDANT : All right. I have Defense Exhibit -- hold on one second -- Defense Exhibit RRR.

THE REPORTER: I'm sorry. Three Rs?

DEFENDANT : Yes.

MS. BARAJAS: I'd like to see it, please.

THE COURT: Multiple pages. It needs to be stapled together so they don't get separated from one another.

MS. BARAJAS: Again, ask what the proffer is for this exhibit. It's a document filed with family law, which is a declaration of facts. I'm not sure what the purpose of this document is. Is it to impeach the witness or --

DEFENDANT : It's moving along that line. Yeah.

THE COURT: Well, I think you have to show it to him first to see if he recognizes what it is.

DEFENDANT : Oh.

THE COURT: Let's get it stapled first so the pages don't get separated.

Q. BY DEFENDANT : Mr. Santana, do you recognize that document?

A. Yes.

Q. Okay. You filed that document with the family court, correct?

A. Yes.

Q. And on the final page there towards the bottom, in fact -- Mr. Rivas? May I, Mr. Rivas?

Do you recognize your signature on that page?

A. Yes.

Q. This document is signed, again, under penalty of perjury as true and correct; is that correct?

A. Yes.

Q. Okay. Mr. Santana -- again, have I met the burden to show it on the projector?

THE COURT: You have.

Q. BY DEFENDANT : This declaration basically goes over your entire -- towards the top, Mr. McDonagh, the filing area. All right.

This document went over your assessment, your investigation of the case from service to your interview sitting down with myself and Ms. (Jane Doe E.R.), correct?

A. Yes.

Q. All right. This was filed after August 12, 2020, after your personal appearance at one of the family hearings, correct?

A. Yes.

Q. Okay. Now, Mr. Santana, are you certified by the state bar of California as an attorney?

A. No.

Q. Okay. And you are not an attorney with the district attorney's office, correct?

A. Correct.

Q. Now, towards the top there on page 1 towards the left, we see here that there is no deputy district attorney listed, that you're filing under Mike Hestrin's name; is that correct?

A. Yes.

Q. Okay. So did you seek and consult a deputy district attorney prior to filing this document?

A. Yes. It was reviewed by the D.A., deputy D.A., in charge of the unit at that time.

Q. And yet they didn't think that that -- that that would aid you in filing your report?

A. No.

Q. Nor did they come to family court that date to appear?

A. No.

Q. Now, in here essentially obviously you just stated this is a copy of your -- oh, does this -- does this document basically contain a copy and paste of all of your initial reports and warrant affidavits?

A. Yes.

Q. Okay. Now, as you previously testified, when speaking to Ms. (Jane Doe E.R.) -- Ms. (Jane Doe E.R.) told you -- may I see this? Ms. (Jane Doe E.R.) -- Ms. (Jane Doe E.R.) told you that we were in a relationship, correct?

A. That is correct.

Q. And, again, she told you that we never had sex, correct?

A. That is correct.

Q. And she told you I -- that I wasn't the father of any of the children, correct?

A. Correct.

Q. Nor did I have any type of fatherly relationship?

A. That is correct.

Q. Now, she had obviously told you a lot of things. Did she tell you -- you had listed here -- you listed here that Ms. (Jane Doe E.R.) had informed you that images with me and her and the children were essentially fake and photoshopped, correct?

A. No. She said that they were all from the same time period.

Q. So she never indicated to you that they were photoshopped?

A. No.

Q. Okay. Mr. Rivas, for the witness.

Specifically on that page, line 25 and 26, do you see the little circle I placed?

A. Yes.

Q. Now, can you tell me what she indicated to you? First tell me what she indicated to you and then maybe we will try to figure out what photo, or if it was more than one photo, she was indicating. The underlined section.

A. I see it. I saw an image of Tafoya and (Jane Doe E.R.)

hugging. (Jane Doe E.R.) said that image was photoshopped.

Q. Mr. Rivas?

Do you by chance -- was this a common claim or was this something that she just said about one picture or --

A. I don't recall. I don't know.

Q. Okay. It's -- that's understandable. So this was definitely something she had said. You didn't make it up, correct?

A. That was what she said.

Q. Okay. All right. Mr. Santana, during our interview on October 17th between you and I, isn't it true that I indicated to you that Ms. (Jane Doe E.R.) graduated from another high school entirely?

A. Yes.

Q. Okay. Did I mention the name of that school?

A. Yes.

Q. Do you remember what the name of the school was?

A. No, I don't.

Q. Would North jog your memory?

A. North sounds familiar, but I don't remember if it was hers or yours.

Q. Norte, is -- Mr. Santana, you do speak Spanish fluently, correct?

A. Yes.

Q. Norte is --

A. North.

Q. I then told you that we separated for a specific reason. Do you remember what that reason was?

A. I believe she alleged domestic violence.

Q. Okay. And you also noticed that I wore a ring, my engagement ring. I believe you called it my wedding ring or a wedding ring. Did I indicate to you why I was wearing that?

A. Yes.

Q. And can you please explain what that was?

A. You said it was because of your love and relationship that you had.

Q. With Ms. (Jane Doe E.R.)?

A. Yes.

Q. Okay. I'd like to note for the record I was not allowed to wear the ring for this trial because of safety issues and concerns with custody.

THE COURT: Just ask questions, Mr. Tafoya.

Q. BY DEFENDANT : I'm going to refer back to the transcript of our meeting --

MS. BARAJAS: I'm going to object.

THE COURT: What's the objection?

MS. BARAJAS: Improper impeachment.

DEFENDANT TAFOYA: This is the impeachment.

THE COURT: Okay. Again, you don't get into the transcripts of anything until you ask the question about whatever it is you're asking. And if he's -- if he indicates he recalls having said those things, then -- then you're good. If he doesn't, then you can show him the transcript.

DEFENDANT TAFOYA: Okay.

THE COURT: Same procedure you did last time. If you have some prior statements that he made, you want to ask him

about or any other witnesses for that matter.

Q. BY DEFENDANT : Mr. Santana, do you recall if I had stated to you that me and Ms. (Jane Doe E.R.) had broken up because from my understanding someone told her that I cheated on her and lied to her. Do you remember me making those statements?

A. Yes.

Q. Okay. And do you remember me making those statements multiple times during our interview?

A. You said a lot of things multiple times, sir.

Q. Unique answer.

MS. BARAJAS: Objection. Move to strike.

THE COURT: Sustained. Comments from parties are not evidence and will be stricken.

Q. BY DEFENDANT : Would reviewing the documents help you refresh your memory?

A. Yes.

Q. The highlighted areas on both pages, page 4 and 14.

THE COURT: Just so it's clear, the evidence is not coming in for the truth of what's being said, rather to show what this officer learned through his investigation and did or did not do certain things. That's why it's coming in. So it's a non-hearsay purpose.

Do you understand that, Mr. Tafoya, it's not coming in for the truth?

Q. BY DEFENDANT : Mr. Rivas?

So Mr. Santana, you saw there in your hand twice during our interview that I had mentioned the reasons for the breakup

from my personal belief; is that correct?

A. That is correct.

Q. And neither of those items indicate domestic violence, correct?

A. Correct.

THE COURT: Also -- I'm sorry -- but also for impeachment purposes as well.

Q. BY DEFENDANT : All right. I'll move to -- do you remember -- actually, you mentioned that you did. All right. North High School. All right.

Now, Mr. Santana, do you recall if I had mentioned to you during the interview the real reason for me wearing the ring still after at that point was two years and a few months, correct, after the alleged breakup. That the real reason was not for a symbol of our love and relationship but for (Jane Doe M.R.) that she understand that my promises still stand to her when she sees me. Is that correct or false in your --

A. That's correct.

Q. Okay. Now, as you stated, it was a copy and paste from all of your other affidavits. Can you go ahead -- and do you see the blue area colored?

A. Yes.

Q. I believe that starts on -- I'm sorry. I'm blind -- line number 7 to line 17. Can you please read that out loud for us.

A. Tafoya stated that he and (Jane Doe E.R.) began their romantic relationship in 2007 to 2008 while they were both in their senior year of high school, parenthesis, (Jane Doe E.R.)

graduated high school in 2003, parenthesis. Tafoya also stated that he and (Jane Doe E.R.) lived together for several years on Polk Street in Riverside, California. (Jane Doe E.R.) also had her eldest daughter (Jane Doe B.P.). Tafoya admitted that (Jane Doe B.P.) was not his child. Tafoya told me that he and (Jane Doe E.R.'s) relationship ended in 2016 when she accused him of domestic violence. (Jane Doe E.R.) was also pregnant at the time of their breakup and he did not know if that was his first child. He believes that (Jane Doe E.R.) may have cheated on him.

Q. Thank you. So I obviously didn't say pretty much any of that, correct, Mr. Santana?

A. Our interview was long. You said that.

Q. You just read the indications, so --

A. You've got to --

Q. You wrote something completely opposite; is that correct?

A. No. My reports are summaries of interviews. If I was to write every single word down, I would still be there because --

Q. Mr. Santana --

A. -- I don't type very fast.

Q. And that can be a very understanding situation. You can't get every single word. But Tafoya stated that he and (Jane Doe E.R.) began their romantic relationship from 2007 to 2008 while they were both in their senior year of high school. And you went the extra mile to make it look like I was lying to you. (Jane Doe E.R.) graduated in high school in 2003. But

nothing to mention that I actually informed she graduated from a whole 'nother school in, well, years prior?

A. Again, sir, it's a summary.

Q. That's -- that's quite a summary. I'm sorry. And yet you declared this declaration under penalty of perjury and submitted it to the family court, correct?

A. Correct.

Q. And you're not an attorney?

A. Not an attorney.

Q. And you're not claiming fatherhood over (Jane Doe M.R.), correct?

A. That is correct.

Q. So by law you are not an interested party in that case; is that correct?

A. That is correct.

Q. And you say that none of your actions were personal in nature?

A. That is correct.

Q. Okay. If I can refer to People's 6.

If I can see it prior, please. It would be the initial FL300, I believe.

Now, we have read this document. This is a request for order from the family court. We had read this document in its entirety into the record last Monday except for one -- one line item. I'm sorry. Next page, line 10. Number 10.

THE COURT: What exhibit is this again?

DEFENDANT TAFOYA: People's 6.

THE COURT: Okay. Thank you.

Q. BY DEFENDANT : Again, we read it all into the record. You had done so on the stand. So can we zoom in on that for Mr. Santana. Can you read that?

A. No. It's -- it's very small.

Q. Is that better, Mr. Santana?

A. Please refer to attachment 10 for specific details to the facts listed to support of orders requested. I am the father of (Jane Doe M.R.) and should not be --

Q. Would you like me to finish reading it, Mr. Santana?

A. Go ahead, sir.

Q. Again, this is line item No. 10. Check facts in support. The orders as requested are listed below. Please refer to attachment --

THE COURT: Slow down. Slow down.

DEFENDANT : Please refer to attachment 10 for specific details to the facts listed in support of orders requested. I am the father of (Jane Doe M.R.) and should not be denied access or accompanying relationship. I love my daughter and will not be torn from her life. The orders requested are in the best interest of (Jane Doe M.R.) as outlined in attachment 2 C. Though other concerns exist, first, both I and the biological mother sought restraint on each other. Since 2016 the mother has used restraint to target me and my relationship with (Jane Doe M.R.) committing acts of extortion and criminal threat for person against.

In May of 2019, I filed for restraint with evidence of these actions. Submission of false violations attached are IV 1600951 and the relationship this mother claims with sworn

officer named here, Christian Vaughan, is noted. He has threatened to use his position to hurt me and make sure I, quote, never see (Jane Doe M.R.) again, quote.

And then following is the attachment. I can zoom out.

MS. BARAJAS: Is that an exhibit?

Q. BY DEFENDANT : All the same exhibit, People's 6.

And you see here attachment 2 C.

Go to the next page, please. I'm sorry. Next page. There we go.

Now, you see here a couple of photos of what is listed as my family. Do you recognize me in any of photos?

MS. BARAJAS: Objection. Relevance.

DEFENDANT : We reviewed these documents, your Honor. This was part of the intake process.

THE COURT: Overruled. Go ahead.

THE WITNESS: You're on the bottom photo, I believe, towards the right-hand side.

Q. BY DEFENDANT : Okay. And during your investigation, you never interviewed any of these individuals, correct?

A. Correct.

Q. The woman in the middle of the photo bottom -- top and bottom photo, do you recognize her as a specific individual of my family?

A. No.

Q. Okay. Mr. McDonagh?

I had requested an exhibit be labeled. I haven't received it back, yeah. The top one is the one I wanted.

Now, Mr. Santana, you at some point during this course of this case retired, correct?

A. Yes.

Q. Okay. What month and year?

A. March 2021.

Q. Okay. So up until then you had access to all of the family law documents and you occasionally reviewed what was occurring?

A. Yes.

Q. Okay. Specifically?

THE COURT: Has that been marked?

DEFENDANT .: It has not yet.

THE COURT: It needs to be marked. You can't just throw stuff up on the ELMO.

DEFENDANT . .: Can we mark it?

THE COURT: It should be marked before we get started every day. Actually, we will go ahead and take our recess. We will take the morning recess.

Please remember the admonition. Do not discuss the case amongst yourselves or with anybody else. Please do not form or express any opinions until the matter is submitted to you. See you back in 15 minutes.

(Recess.)

(Outside the presence of the jury:)

THE COURT: Back on the record. Both parties are present. Is there something you wanted to talk about?

MS. BARAJAS: Defense requests Officer Grant Zemel has been here since early this morning. And I suggested to or asked

Mr. Tafoya if he wanted to break after his cross and then put Officer Grant on the stand so that he can potentially leave rather than wait.

THE COURT: Okay.

MS. BARAJAS: I'm okay with that, and then I'll finish my redirect once we're done with that witness.

THE COURT: That's fine.

DEFENDANT : I wholly understand the circumstances of the situation. He wants to get home as soon as possible. And I'm more than happy to have him go up after Mr. Santana, but I just feel this to be in between a cross and a refresh is a little bit more of a, I don't know, feels like substantive burial of my witness's testimony in the middle of everything else.

THE COURT: How much longer do you have, Mr. Tafoya?

DEFENDANT : Two pages of questions, so I assume 25, 30 minutes max with Mr. Santana, and then obviously refresh.

THE COURT: I'm -- just answer my question. 20 to 30 minutes?

DEFENDANT : Yes.

THE COURT: How much do you think you have on or do you have any redirect?

MS. BARAJAS: I do. It's going to be a while. I propose to play the interview.

THE COURT: Well, Mr. Tafoya, he's your witness, sir. If he decides to go home, I'm not sure there's a whole lot I can do other than issue a warrant to go get him. He did come down here on somewhat short notice. I -- I don't know what the --

you think the hindrance would be. We've already broken Mr. Grant's testimony up by days.

MS. BARAJAS: A week.

THE COURT: Yeah. Yeah. A week. So, I mean, if I were -- I would probably want to get your witness out there before he decides enough is enough and he turns around and goes home. I'm not letting him do that, but I can't physically stop him. He's your witness, correct?

DEFENDANT : Yes, your Honor.

THE COURT: Okay. I mean, he's here for the day. He has a long ride home, I'm assuming, so I would like to get him done this morning if possible. But it sounds like we won't do that if we continue in the same way both sides are right now. Seems like a logical thing to do to finish up with your cross, break, call your witness, and then come back when your witness is done. That person can leave and we'll come back to Santana on redirect. We don't have to do it that way if you don't want. That's fine. It's not my witness. If you're objecting, that's fine. You both have to agree to do this because it's your witness. So what do you want to do? I don't want to take up any more time. I just need to know.

DEFENDANT : With the utmost apologies to Mr. Zemel, I feel it would be improper to put him in between a cross and refresh.

THE COURT: Then don't do it. All right. Let's go get the jurors.

Mr. McDonagh, you want to tell him we're not going to get to him until after lunch?

MR. MCDONAGH: (No audible response.)

THE COURT: No?

MR. MCDONAGH: Yes, sir.

(In the presence of the jury:)

THE COURT: Back on the record in open court. All jurors are present. All alternates are present. The parties are present. The witness is still on the stand.

You may continue.

Q. BY DEFENDANT : Mr. Santana, for the understanding that you were involved with the case up until the date you were -- you retired, correct?

A. Yes.

Q. Okay. And numerous times you had found that documents were filed with the court, correct?

A. Several times, yes.

Q. Okay. Now, attached to this, I understand the proofs of service are not testimonial. For your understanding it was filed the reason I'm showing -- please, top here first.

THE COURT: I don't know what exhibit that is.

Q. BY DEFENDANT : I'm sorry. Exhibit TTT, as in tango. Mr. Santana, this was a document filed in that family case for relief from the court of appeal. Do you understand this document?

A. No.

MS. BARAJAS: I'd like to see it first as well.

THE COURT: All right. Take it off the ELMO, please.

MS. BARAJAS: I understand it's been marked and is an exhibit. May I see it?

THE COURT: Everything that is being requested can be marked. It's just whether or not there is foundation and it's allowed in.

MS. BARAJAS: Right. Thank you. I don't --

THE COURT: That way there's a record that it's allowed in.

MS. BARAJAS: I don't -- one, I don't know that this witness knows what this is or is familiar with this document.

THE COURT: Just show it to him then. Like I said before to both sides, unless you have a good faith belief the person would know what it was, you need to show it to the witness to see if they can identify it before it's published to the jury.

Q. BY DEFENDANT : Do you recognize that document, Mr. Santana?

A. No, I don't.

Q. Okay. Mr. Rivas?

Now, page 2 there, the title of that page is?

MS. BARAJAS: Objection.

THE COURT: Sustained. He doesn't recognize it.

Q. BY DEFENDANT : Do you recognize that as a proof of service, Mr. Santana, that was filed in that case --

A. I don't --

Q. Here's my confusion. During your time investigating this action, you were investigating numerous processes, not just the one that Ms. Mendiola occurred on, correct?

A. Correct.

Q. All right. So yeah. My reference was to the

understanding that you were reviewing these documents with the family case and you noticed that there were upwards of 20 or more process services that occurred, correct?

MS. BARAJAS: Objection. Calls for speculation.

THE COURT: Overruled. You can answer if you understand.

THE WITNESS: I know there was numerous proofs of service filed. I don't know exactly how many.

DEFENDANT : Okay. So, again, I'm not entering this as fact or testimony. I'm entering this for your understanding of the document, so I'm requesting to show the second page of the proof of service.

THE COURT: Denied.

DEFENDANT : Okay.

THE COURT: I don't -- if you're using it for some sort of demonstrative purpose, you can use a form that's not otherwise filled out with information on it. And ask him about, like, the documents if you want, but not -- I'm not sure what you're trying to do here, Mr. Tafoya.

DEFENDANT : May I?

THE COURT: No. You can ask questions of the witness. He answered your question.

Q. BY DEFENDANT : Okay. Okay. We're going to move along. Toward the end of your testimony last week, Mr. Santana, you said you had never in your experience seen a man not biologically related get visitation of a child; is that correct?

A. That is correct.

Q. Okay. So Mr. Santana, do you recognize that or

presenting that as the policy of the Riverside County District Attorney's office?

A. No.

Q. Okay. So you, in fact, do understand and know that there are orders for visitation with nonbiological parents, correct?

A. I'm not familiar with any.

Q. Okay. Is that familiarity based on the fact you just haven't seen any yourself?

A. Haven't see any myself nor have I through my training and experience in child abduction matters heard of that.

Q. Okay. So again, training and experience, so just to give one rough and quick example. In -- if a man is not biologically related, you're saying that he doesn't deserve to have any rights to visit or see or have custody with a child?

A. Are you asking professional opinion, sir?

Q. Yes.

A. That would be up to the mother and whether she wants to allow any type of contact with that individual.

Q. Okay. And in your personal opinion?

A. My personal opinion, I would say no.

Q. Okay. And but that personal opinion doesn't affect your job in the orders that you were required to enforce, correct?

A. No.

Q. Okay. So in case of -- let's say -- going back to the training and experience. Some of these things you think are part of that, in the case of infertility and invitro

fertilization, are you saying that the district attorney's office would state that the sperm donor nobody ever met has more rights to child than the man who loves the children, but is separated from the mother?

MS. BARAJAS: Objection. Relevance.

THE COURT: Sustained.

MS. BARAJAS: Facts not in evidence.

THE COURT: Sustained.

Q. BY DEFENDANT : Okay. So it isn't the policy of the district attorney's office to not recognize a same sex couple parent or in general a nonbiological parent per se, correct?

MS. BARAJAS: Objection. Relevance.

THE COURT: Sustained.

Q. BY DEFENDANT : All right. I'd like to refer to, again, law. One of the subdivisions that you had stated was included in your purview, Mr. Santana, this is the statute that basically defines the primary presumptions of parentage by law. Do you recognize this statute?

A. Yes. I've read it before.

Q. Okay. Now, in that statute there's, I believe, six presumptions, but I had highlighted in -- for simplicity, I highlighted without the -- all of the additional. Would you so be kind to read the highlighted areas.

MS. BARAJAS: Objection. Relevance. Hearsay.

DEFENDANT : Defining parents. The law he learned and was trained under says otherwise. Impeachment.

THE COURT: Is that something you relied on when you

were conducting your investigation and/or discussing or interviewing the defendant?

THE WITNESS: No.

THE COURT: Sustained.

DEFENDANT : May I -- Mr. Rivas?

THE COURT: Can I see that, please? I don't know what that says.

DEFENDANT : I can still lay foundation.

THE COURT: Just a minute.

All right. So Mr. Tafoya, I'll let -- can you give that back to the witness. I'll let the witness look it over and then you can ask him some questions about it only as it relates to his testimony about, you know, the enforcement of orders with respect to only biological parents. Because there are other ways to be parents. You can be a presumed parent and it has nothing to do necessarily with biology at that point.

DEFENDANT : I understand.

THE COURT: That only relates to his understanding, then we're moving on.

DEFENDANT : I understand.

THE COURT: Not spending a lot of time on this.

Q. BY DEFENDANT : Then I'd like to point you -- Mr. Santana, can you please not read for the Court, but read for yourself 7611. See the highlighted area labeled D towards the bottom of the page?

A. Okay.

Q. You believe you understood the sentence there?

A. You want me to read it out loud?

DEFENDANT : With the Court's permission.

MS. BARAJAS: Object.

THE COURT: Overruled. Go ahead.

THE WITNESS: Presumed parent receives the child into their home and openly holds out the child as their natural child.

Q. BY DEFENDANT : Mr. Santana, that was one of the presumptions that the courts would indicate defines a parent. Here, from the day I met you, did I not hold (Jane Doe M.R.) out as my own child?

A. Yes.

Q. Okay. Now, obviously there's opinion there. You don't believe that was right or whatever, but I held her as my natural child, correct?

A. Biological child.

Q. Natural child, correct?

A. Yes.

Q. So when you found all of this out, we came into the meeting that we had and then we went to family court and everything -- at some point a swab test was taken, correct?

A. Yes.

Q. That was with the Court's order, correct?

A. Yes.

Q. Now -- now, did -- when you submitted that swab test, did you have an estimated time frame of when it would be completed?

A. The comparison -- talking about the comparison to all of the swab tests?

Q. Uh-huh.

A. Yes. I was told anywhere between two and three months.

Q. Okay. Now, obviously from -- do you have a second page up there still? If you can go to the 7612, the first bracketed or highlighted area, can you read that to yourself? I'm going to ask you a question regarding that.

Now, it's a confusing sentence, a lot of commas and in its presentation there and how it's -- how it's levied. However, listing one of the laws under the purview of your office and understanding of parentage, is it not true that even if that test came back false and let's say we found out eventually that biology -- the claimed biology was disproved, that the Court would still have the ability to find that individual or myself as the parent of the child?

A. I wouldn't know how to answer that. I mean, that would be up to the Court to interpret all of those facts.

Q. Okay. So essentially there's a burden of proof of presenting a case, correct?

A. Yes.

Q. Okay. So I was taken into custody at the family courthouse, correct?

A. Yes.

Q. And that was on -- do you remember the day?

A. January 10th, 2020.

Q. Correct. And what was occurring on the 10th of January?

A. It was a mediation.

Q. Correct. This is after the swab test was taken. This

was after contact orders were issued. This is the continuation of that case. I was taken into custody. Did mediation ever occur?

A. No.

Q. Now, do you remember if a court hearing regarding the visitation orders being reinstated was approximately any time after that? A week? A month? Do you remember the dates of those? I know it's been a couple years.

A. I don't remember that visitation was ever reinstated.

Q. I'm asking if you knew that there was a hearing about possible reinstatement of that order.

A. No.

Q. So after mediation, you don't remember the court dates that came?

A. No.

Q. All right. In addition on 7612 on the second sheet you had, can you read for yourself the second highlighted area. Should be only a sentence or two long.

A. Yes.

Q. Okay. So, again, under the laws of your office's purview and your job enforcing orders and ensuring appearance and understanding who is where in what situation, is it not true that a child can have two, three, four, five fathers by law?

A. That would be up to the Court to determine.

Q. Okay. And if the Court determined that, even though one of those fathers might not be biological, you wouldn't let your personal opinions affect your judgment in enforcing those orders, correct?

A. That is correct.

Q. Okay. Um, almost done here. So it's my understanding from this, Mr. Santana, that the courts, the law, and the district attorney -- though you might not have personally or actually routinely been in a position to enforce multiple father and nonbiological father custody orders. Yes or no?

A. Never experienced that.

Q. Okay. All right. So let's do a final run-through here. Um, I indicated belief I was the biological father from the moment I met you, correct?

A. Yes.

Q. Okay. I indicated that belief on the petitions filed in the court, correct?

A. Correct.

Q. And ultimately my arrest that you conducted with Mr. Vaughan at family mediation was in regards to the alleged service issue with Ms. Mendiola, correct?

A. That was part of it.

Q. What was the other part?

A. Continued stalking --

Q. Okay.

A. -- by you --

Q. Okay.

A. -- to the victim.

Q. So continued stalking. Can you define the act that was stalking?

MS. BARAJAS: Objection.

THE COURT: Sustained.

Q. BY DEFENDANT : Okay. Mr. Santana, it is -- did I ever violate any restraining order since the last time I was arrested for the alleged vandalism, 2018?

A. Ask the question again, please.

Q. During your investigation, you uncovered the fact that I did not violate a restraining order, correct?

MS. BARAJAS: Objection. Facts not in evidence. Argumentative.

DEFENDANT : Facts -- your Honor, facts in evidence. I went to court and filed a document. I never violated a contact order.

THE COURT: Are you asking him his personal knowledge?

Q. BY DEFENDANT : His investigation and what he wrote in his reports?

THE COURT: All right. I'll allow it. You can answer.

THE WITNESS: Ask it one more time, please.

DEFENDANT : Isn't it true that in your report, you indicated that there was no violation of a restraining order or any court order for that matter, that this was essentially a stalking because I decided to bring my ex to court? You didn't believe that was appropriate.

MS. BARAJAS: Objection. Calls for a legal conclusion.

THE COURT: As to the last part, sustained.

If you just wanted to ask him about the restraining order, that's fine, his investigation into that.

Q. BY DEFENDANT : Okay. So your investigation into the restraining orders, you had reported that there was no violation. There was no contact violation outside of compliance

of restraint, correct?

A. Correct.

Q. And there was no me showing up at the house demanding my child, correct? I went to the district attorney's office, correct?

A. Correct.

Q. And so there was no -- well, there was no harassment, correct?

MS. BARAJAS: Objection. Calls for legal conclusion.

THE COURT: Sustained.

Q. BY DEFENDANT : Do you believe that filing a lawsuit against somebody is considered harassment?

MS. BARAJAS: Again, that calls for a legal conclusion for the jury to find.

THE COURT: Sustained.

Q. BY DEFENDANT : What act -- well?

THE COURT: Keep in mind, Mr. Tafoya, arrest is not evidence.

DEFENDANT : You know, the testimony says harassment.

THE COURT: I'm sorry?

DEFENDANT : The testimony says harassment. Doesn't that indicate --

THE COURT: What testimony? No one testified to that because that's a question for the jury to decide as an element of the stalking charge.

DEFENDANT : Okay.

THE COURT: He can testify to facts. Not conclusions.

DEFENDANT : Okay. Okay.

THE COURT: Not legal conclusions.

Q. BY DEFENDANT : Now, according to your records that you reviewed going back, there had never been a previous DNA test ever conducted on (Jane Doe M.R.), correct?

A. No.

Q. So if this test came back and let's say theoretically that it was founded that I -- that my claimed biology was disproved, we still don't know who would be proven as the father, correct?

A. There was a court order, and it -- I don't remember the case number.

Q. I have it. I know what you are talking about. Mr. Rene Ponce, correct?

A. Correct.

Q. Now, it's true that Mr. Rene Ponce never had a DNA test conducted, correct?

A. That is correct.

Q. He agreed to be part of situation and thus pay child support, correct?

A. That is correct.

Q. So again we're coming off the fact that Ms. (Jane Doe E.R.) told you who the biological father was, correct?

A. Yes.

Q. And that person might agree to it, but isn't it possible that she told multiple people that they're the biological father?

A. I guess it's possible.

Q. So I guess in finality here you recognize and understand that individuals have a due process right, correct?

A. Right.

MS. BARAJAS: Objection.

THE COURT: Sustained. Answer stricken.

Q. BY DEFENDANT : Mr. Santana, in your reviewing and investigation, is it -- is what you're saying is that you -- you saw -- you saw my belief in fatherhood to be -- to be a crime?

MS. BARAJAS: Again, objection.

THE COURT: Sustained.

DEFENDANT : He's yours, Ms. Barajas.

THE COURT: I'm sorry?

DEFENDANT : He's Ms. Barajas's witness.

THE COURT: Okay. No further questions?

Redirect?

MS. BARAJAS: Yes. I think the defense wanted a moment.

THE COURT: He what?

MS. BARAJAS: I was passed a note for a moment.

THE COURT: Okay.

DEFENDANT : Your Honor -- your Honor, my witness is indicating some issues. We may need to have him appear now. I'd like to talk to him for a minute to see if --

THE COURT: There's no more delays, Mr. Tafoya. If you're going to call him out of order, that's fine. I have no problem with that.

DEFENDANT : I will do so on objection.